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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APR 10 2003

Paper No. 20

In re Application of :  
Bruce R. Smith *et al* : DECISION ON PETITION  
Application No. 09/453,498 :  
Filed: December 9, 1999 :  
Attorney Docket No. 013550-069 (2165; GP-03-8)

This is a decision on the petition filed by facsimile transmission on March 14, 2003 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a an appeal brief or to take other appropriate action following the filing of a notice of appeal on June 3, 2002. No fee is required for the petition.

The petition is granted.

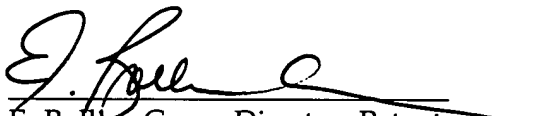
Petitioners allege that the application was not in fact abandoned because a Request for Continued Examination (RCE) under 37 CFR 1.114 was in fact filed on July 29, 2002, within the time for taking action after the filing of the notice of appeal. This allegation is supported by a copy of the RCE and by a copy of the filing receipt for the RCE which shows that the RCE was in fact received in the Office on July 29, 2002. In addition, Office financial records show that the fee for the RCE was in fact received.

The above showing clearly establishes that this application was not in fact abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forward to the Head Supervisory Applications Examiner for:

1. processing the RCE; and
2. correction of the correspondence address (including the spelling of counsel's name) to agree with the address at the bottom of this decision.

Thereafter, the application will be forwarded to the examiner for action on the RCE.

PETITION GRANTED.

  
E. Rollins-Cross, Director, Patent  
Examining Groups 3710 and 3720

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